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10/588,954

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EXAMINER

LEE, NICHOLAS J

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,954	<b>Applicant(s)</b> HARAGUCHI ET AL.	
	<b>Examiner</b> NICHOLAS LEE	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/17/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,971,024 B1 to Sako et al ("Sako"), in view of JP09-139055 to Matsunaga et al ("Matsunaga").

As to claim 1, Sako discloses a recording medium comprising:

an uncompressed information recording area (Fig. 2, PA1) where uncompressed information which is obtained by encoding reproduction information to be reproduced in an uncompressed state is recorded (col. 3, lines 35-48);

a first control information area (Fig. 2, LI1) where uncompressed information control information for reproduction controlling the uncompressed information is recorded (Fig. 4, 5; col. 5, lines 35 - col. 6, lines 1-27);

a compressed information record area (Fig. 2, PA2) where compressed information obtained by encoding another reproduction information (col. 3, lines 35-48) including at least a content of the compressed information same as a part

of a content of the uncompressed information in the uncompressed information record area is recorded (Fig. 15; col. 16, line 66 – col. 17, lines 3);

and a second control information area (Fig. 2, LI2) where compressed information control information for controlling the compressed information is recorded, the compressed information control information including corresponding relationship information for showing a corresponding relationship between the content of the uncompressed information and the content of the compressed information same as the part of the content of the uncompressed information (Fig. 15; It would be inherent as indicated by S26 that information showing the relationship between the second data (compressed) and first data (uncompressed) exists.).

Sako fails to disclose a recording medium wherein the uncompressed information record area, the first control information, the compressed information record area, and the second control information area are formed in one said recording medium.

Matsunaga discloses a recording medium comprising:

a compressed information area where compressed information obtained by encoding another reproduction information including at least a content of the compressed information same as part of a content of the uncompressed information in the uncompressed information record area is recorded (§ 0038;

Matsunaga discloses a recording medium comprising standard data (compressed) and special data (uncompressed) wherein control information for the standard data and special data are recorded into the TOC (§ 0044-0049).);

and a second control information area where compressed information control information for controlling the compressed information is recorded, wherein the uncompressed information record area, the first control information, the compressed information record area, and the second control information area are formed in one said recording medium (¶ 0038).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have combined Sako with the teachings of Matsunaga with the motivation of recording different formats of data onto a single information recording medium such that the information recording medium would be compatible with a plurality of devices.

As to claim 2, Sako in view of Matsunaga discloses wherein the corresponding relationship information is provided to search the uncompressed information which is recorded while referring to the compressed information control information (Sako; Fig. 15, S26; It would be inherent that the uncompressed information would have to be searched to determine if the first and second data are of the same contents (Sako; col. 16, line 66 – col. 17, lines 3).).

As to claim 3, Sako with the teachings of Matsunaga discloses wherein the compressed information control information includes copy control information representing a content of copy restriction applied when the compressed information is copied to another recording medium (Sako; Fig. 15, S27, S30; A restriction is applied wherein a user is charged for copying a content of the compressed information.).

As to claim 4, Sako in view of Matsunaga discloses wherein the compressed control information includes copy control information representing whether or not the uncompressed information corresponding to the compressed information is that admitted to copy to another recording medium (Sako, see Fig. 15, S22, S26, S27, S30; S30 shows a step in which it is determined if copying is to be admitted to another recording medium depending a whether or charge occurs. It is inherent that if a charge were not to occur that a copying operation would be halted.).

As to claim 5, Sako in view Matsunaga teaches all of the limitations of claim 1 except wherein the compressed information is that can be freely copied to another recording medium. However, Sako shows a copy control information (Sako, Fig. 5, 309, 310; coo. 6, lines 55-col. 7, lines 14) wherein a charge-type is indicated. Sako discloses that several different types of charges could be indicated on the base of duration, charge amount, and etc. It is obvious that through routine experimentation, a charge type could be utilized such that no restriction would be assessed in copying the compressed information wherein the compressed information would be freely copied to another recording medium.

As to claim 6, Sako in view of Matsunaga discloses wherein the compressed control information includes reproduction control information used when the uncompressed information is reproduced (Sako, see Fig. 15, S22, S26, S27, S28, S29).

As to claim 7, the same rejection or discussion is used as in the rejection of claim 1. Sako in view of Matsunaga further discloses a recording means

(Sako, Fig. 6; col. 7, lines 28-col. 8, lines 67) which records the control information and main information in the recording medium.

As to claim 8, the same rejection or discussion is used as in the rejection of claim 2.

As to claim 9, the same rejection or discussion is used as in the rejection of claim 3.

As to claim 10, the same rejection or discussion is used as in the rejection of claim 4.

As to claim 11, the same rejection or discussion is used as in the rejection of claim 5.

As to claim 12, the same rejection or discussion is used as in the rejection of claim 6.

As to claim 13, Sako in view of Matsunaga teaches all of the limitations of claim 1 and further discloses wherein an information reproducing apparatus comprising a selection means used for selecting any one of the a reproduction process of extracting the reproduction information out of the recording medium (Sako, see Fig. 15, S22, This step determines whether a compressed or uncompressed reproduction information is extracted) and reproducing thus extracted and a copy process of detecting reproduction information out of the recording medium and copying thus detected to another recording medium (Sako, Fig. 15, S27);

a reproducing means (Sako, Fig. 13) which detects the uncompressed information corresponding to the reproduction information (Sako, Fig. 15, S26),

which should be reproduced, out of the recording medium and reproduce thus detected when execution of the reproduction process is selected by the selection means (Sako, Fig. 15, S27, S28, S29) (Further Matsunaga discloses a recording medium wherein compressed and uncompressed information exist on a single medium wherein a TOC is used in conjunction with a type of reproducing apparatus to determine which information is to be reproduced (see rejection of claim 1).); and

a detection which detects the compressed information (Sako, Fig. 15, S22; col. 17, lines 15-18; This step determines if the information is compressed or encrypted.) corresponding to the reproduction information, which should be reproduced, out of the recording medium and providing thus detected to the copy process (Sako, Fig. 15, S27, S30).

As to claim 14, the same rejection or discussion is used as in the rejection of claim 7.

As to claim 15, the same rejection or discussion is used as in the rejection of claim 13.

As to claim 16, the same rejection or discussion is used as in the rejection of claim 7.

As to claim 17, the same rejection or discussion is used as in the rejection of claim 13.

As to claim 25, Sako in view of Matsunaga teaches all of the limitations of claim 1 and further discloses wherein the compressed information control information (Sako, Fig. 15, S22; col. 17, lines 15-17; It is inherent that when the



contents of first and second record area are of the same contents (Sako, Fig. 15, s26) that the an encryption or compression exists for a second record area which is necessary for reproduction in decrypting the recorded information.) includes an encode information designating an encoding system used in the corresponding uncompressed information.

As to claims 26-29, the same rejection or discussion is used as in the rejection of claim 25.

3. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,971,024 B1 to Sako et al ("Sako"), in view of JP09-139055 to Matsunaga et al ("Matsunaga"), and further in view of US Patent No. 5,805,537 to Yamamoto et al ("Yamamoto")

As to claim 20, Sako in view of Matsunaga discloses all of the limitations of claim 1 except wherein the first control information area is included in the uncompressed information record area and the second control information area is included in the compressed information record area.

In the same field of endeavor, Yamamoto discloses a file format structure wherein the first control information area (Yamamoto, Fig. 1, control data) is included in a record area and the second control information area (Yamamoto, Fig. 1, control data) is included in a another information record area.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Sako in view of Matsunaga with the teachings of Yamamoto with the motivation of using a file structure of Yamamoto to enhance a record method wherein control information is recorded in location

corresponding to the information in which it controls thereby simplifying a record structure.

As to claim 21, the same rejection or discussion is used as in the rejection of claim 20.

As to claim 22, the same rejection or discussion is used as in the rejection of claim 20.

As to claim 23, the same rejection or discussion is used as in the rejection of claim 21.

As to claim 24, the same rejection or discussion is used as in the rejection of claim 21.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Sako does not disclose the first recording area PA1 and the second recording area PA2 being formed in a disk being reproduced such as only "one disk". Matsunaga discloses a single recording disk wherein uncompressed and compressed information are recorded (§ 0038, 0044-0049).

Applicant further argues that Sako fails to disclose a compressed information same as a part of a content of the uncompressed information. However, Sako discloses this feature in Fig. 15, S22 wherein it is determined whether the content of the compressed information (second part) is the same as the content of the uncompressed information (first part) (col. 3, lines 35-48).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS LEE whose telephone number is (571)270-7354. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICHOLAS LEE/  
Examiner, Art Unit 2627

/Daniell L. Negrón/  
Primary Examiner, Art Unit 2627  
February 26, 2010